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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,417	12/11/2003	Bruno Fabre	945-011609-US(PAR)	1809
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PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			EXAMINER FRANKLIN, JAMARA ALZAIDA	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/733,417	<b>Applicant(s)</b> FABRE ET AL.	
	<b>Examiner</b> RAMSEY REFAI	<b>Art Unit</b> 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/11/03</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

Responsive to claims filed December 11, 2003. Claims 1-11 are presented for examination.

#### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. FR0215797, filed on December 13, 2002.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on December 11, 2003 is being considered by the examiner.

#### ***Specification***

3. The incorporation of essential material in the specification by reference to an unpublished U.S. application, foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference, if the material is relied upon to overcome any objection, rejection, or other requirement imposed by the Office. The amendment must be accompanied by a statement executed by the applicant, or a practitioner representing the applicant, stating that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. 37 CFR 1.57(f).

4. The abstract of the disclosure is objected to because the inclusion of legal phraseology and improper content. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

- The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

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- Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

#### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-11 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 merely recites a *system* without listing the objects/components of the system. Since it is unclear what the system comprises, the claim is rendered vague and indefinite.

The following terms lack proper antecedent basis:

- Claim 1: "each", "this displacement", "it", "articles"
- Claim 2: "the transponders"
- Claim 4: "articles", "these references"
- Claim 5: "said references", "articles"
- Claim 7: "it", "said references", "these references", "said references"
- Claim 8: "it", "said references"
- Claim 10: "it".

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Markman (US Patent No. 5,962,834).

9. As per claim 1, Markman teaches a mobile device (**column 6, lines 61-65, fig 5; RF readers**) for collecting and validating collected articles (**column 4, lines 51-56; garments**), each equipped with a transponder (**column 5, lines 1-5; RF**) and comprising means for moving along a runway in a predetermined path and means for receiving the articles collected during this displacement one by one (**abstract, column 6, lines 16-17; dry cleaning path**), wherein it further comprises radio-frequency (RF) interrogation means for obtaining identifying information on each of the articles collected by the device (**column 5, line 65-column 6, line 24; column 6, line 55-65; information is captured by RF readers**) and comparison means for comparing the identifying information obtained with references relative to a determined order for articles and thus for validating the collected articles as they are collected along the runway (**column 6, lines 7-40**).

10. As per claim 2, Markman teaches wherein said RF interrogation means comprise an RF antenna coupled to an electronic module for processing the identifying information issuing from the transponders (**column 3, lines 36-54**).

11. As per claim 3, Markman teaches wherein said RF antenna and said means for receiving the collected articles form a single integrated module (**column 3, lines 36-54**).

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12. As per claim 4, Markman teaches wherein said electronic module comprises memory means for storing said references relative to a determined order for articles and said comparison means for comparing these references with the identifying information issuing from the transponders **(column 5, lines 65-column 6, lines 24)**.

13. As per claim 5, Markman teaches wherein said electronic module further comprises short range emission/reception means for receiving from a remote data-processing assembly said references relative to a determined order for articles **(column 5, lines 65-column 6, lines 24)**.

14. As per claim 6, Markman teaches wherein said short range emission/reception means are of radio, Bluetooth or WiFi type **(abstract; RF)**.

15. As per claim 7, Markman teaches wherein it further comprise a detachable electronic module comprising memory means for storing said references relative to a determined order for articles, said comparison means for comparing these references with the identifying information issuing from the transponders, and short range emission/reception means for receiving said references relative to a determined order for articles from a remote data-processing assembly **(column 6, lines 41-54, column 5, lines 65-column 6, lines 24)**.

16. As per claim 8, Markman teaches wherein it further comprises a detachable electronic module comprising short range emission/reception means for receiving said references relative to a determined order for articles from a remote data-processing assembly **(column 6, lines 41-54, column 5, lines 65-column 6, lines 24)**.

17. As per claim 9, Markman teaches wherein said short range emission/reception means are of infrared type **(column 6, line 62: barcode scanners)**.

18. As per claim 10, Markman teaches wherein it further comprise means for electrical connection with an immediately adjacent device **(column 6, lines 55-65; scanners attached to inventory control computer)**

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19. As per claim 11 Markman teaches a system for collecting and checking orders for articles comprising a data-processing assembly for managing orders for articles and a plurality of devices for collecting and validating collected articles, according to claim 1 (**see claim 1**).

### ***Conclusion***

The prior art made of record and not relied upon, which is considered pertinent to applicant's disclosure, are cited in the Notice of Reference Cited form (PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMSEY REFAI whose telephone number is (571)272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramsey Refai  
January 22, 2008  
/R. R./  
Examiner, Art Unit 3627

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627